

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark W. Publicover, et al. **FILED VIA EFS ON FEBRUARY 13, 2008**
Application No. 09/800,273
Filed: March 5, 2001
Confirmation No. 3749
For: TRAMPOLINE OR THE LIKE WITH
ENCLOSURE
Examiner: Jerome W. Donnelly
Art Unit: 3764
Attorney Reference No. 5578-58206-01

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Request for Withdrawal of Paper Mailed September 13, 2007

This is to follow up on discussions with Examiner Donnelly (on October 22, 2007 with the undersigned's assistant Carolyn Schlabach, on November 1, 2007 with Applicant Mark Publicover, and on February 1, 2008 with the unsigned) regarding a paper mailed by the Patent and Trademark Office on September 13, 2007.

The paper mailed on September 13, 2007, styled as an Office action, appears to have been sent in error. The paper received in the mail (Exhibit A) includes a sheet titled "Office Action Summary" with all the pending listed as "rejected," but includes no discussion of the reasons for rejection. Contemporaneous documents, downloaded from the PAIR database, include what appear to be handwritten notes prepared by Examiner Donnelly, but not what would be considered a complete Office action.

From the conversations with Examiner Donnelly, we understand that the Patent and Trademark Office will withdraw the paper mailed September 13, 2007, and that a new paper will be mailed as a replacement. Accordingly, Applicants do not intend to further respond to the

paper mailed September 13, 2007, as a response would be futile given that it lacks any basis of rejection to which Applicants can respond.

Instead, Applicants formally request withdrawal of the paper dated September 13, 2007, as promised by Examiner Donnelly, and favorable consideration of the application as amended on May 7, 2007, and as further amended on February 13, 2008.

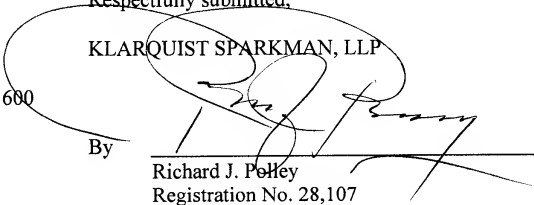
If it would help facilitate examination of this application, Examiner Donnelly is invited to call the undersigned for the purpose of a telephonic interview.

Respectfully submitted,

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,273	03/05/2001	Mark W. Publicover	5578-58206/RLP	3749

7560 09/13/2007
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EXAMINER

DONNELLY, JEROME W

AIR UNIT

PAPER NUMBER

3764

MAIL DATE

DELIVERY MODE

09/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/800.273	Applicant(s) PUBLICOVER ET AL	
	Examiner Jerome W. Donnelly	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.706(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213

Disposition of Claims

4) ☒ Claim(s) _____ is/are pending in the application *65, 68 and 71*

4a) Of the above claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _____ is/are rejected *65, 68 and 71*

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)

a) ☐ All b) ☐ Some * c) ☐ None of

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME DONNELLY
 PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-SB05)
 Paper No(s)/Mail Date _____

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____